

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 22, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DONALD GILSON,

Petitioner,

v.

JEFFERY UTTECHT,

Respondent.

1:20-CV-03031-SAB

ORDER DISMISSING ACTION

On March 17, 2020, Petitioner, a prisoner at the Coyote Ridge Corrections Center, filed this *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. ECF No. 1. He did not pay the \$5.00 filing fee to commence this action or provide a completed application to proceed *in forma pauperis*.

On June 2, 2020, this Court ordered Petitioner to submit a completed Application to Proceed without Prepayment of Fees within **thirty days** of the date of that Order. ECF No. 3. In the alternative, Petitioner was advised he could pay the full \$5.00 filing fee. *Id.* Petitioner was cautioned that his failure to do so would result in the dismissal of this case. *Id.* Petitioner has neither paid the filing fee nor returned the Application to Proceed without Prepayment of Fees by the due date of July 2, 2020.

Accordingly, **IT IS HEREBY ORDERED:**

1. This action is **DISMISSED** without prejudice for failure to pay the filing fee or comply with the *in forma pauperis* requirements of Rule 3(a) of the Rules Governing Section 2254 Cases in the United States District Courts.
2. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is therefore **DENIED**.

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order, enter judgment, provide copies to Petitioner at his last known address and **CLOSE** the file.

DATED this 22nd day of July 2020.



Stanley A. Bastian

Stanley A. Bastian
United States District Judge